

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LILIAN KIRAKA,

Plaintiff,

-against-

SUCCESS ACADEMY CHARTER SCHOOL,  
HUDSON YARDS and KALEIGH MAINES,  
PRINCIPAL,

Defendants.

USDC SDNY
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DATE FILED: 4/23/2024

24-CV-02354 (MMG)

**ORDER OF SERVICE**

MARGARET M. GARNETT, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action alleging that Defendants violated her rights. The Court construes Plaintiff's allegations as asserting claims under the Individuals with Disabilities Education Act ("IDEA"), Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Rehabilitation Act of 1973, and state law. By order dated April 16, 2024, the court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.

**DISCUSSION**

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service.<sup>1</sup> *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order that a U.S. marshal, deputy marshal, or person specially appointed serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on Defendants Success Academy Charter School, Hudson Yards, and Principal Kaleigh Maines through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63

<sup>1</sup>Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that any summonses be issued. The Court therefore extends the time to serve until 90 days after the date any summonses issue.

(2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss the action if Plaintiff fails to do so.

### **CONCLUSION**

The Clerk of Court is instructed to issue summonses for Defendants Success Academy Charter School, Hudson Yards, and Principal Kaleigh Maines, complete the USM-285 forms with the addresses for Defendants, and deliver to the U.S. Marshals Service all documents necessary to effect service.

The Clerk of Court is further directed to mail an information package to Plaintiff.

Dated: April 23, 2024  
New York, New York

SO ORDERED.



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MARGARET M. GARNETT  
United States District Judge

**DEFENDANTS AND SERVICE ADDRESSES**

1. Success Academy Charter School, Hudson Yards  
500 West 41st Street  
New York, New York 10018
  
2. Principal Kaleigh Maines  
Success Academy Charter School, Hudson Yards  
500 West 41st Street  
New York, New York 10018